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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0337 MHP
	)	
Plaintiff,	)	
	)	PARTIES' JOINT REQUEST TO CONTINUE
v.	)	SENTENCING HEARING AND <del>PROPOSED</del>
	)	ORDER
JACQUELINE FROEHLICH-	)	
L'HEUREAUX,	)	
	)	
Defendant.	)	

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for February 9, 2009, be continued and set for sentencing hearing on June 1, 2009, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties  
3 jointly request that the June 1, 2009, sentencing hearing be continued for a sentencing hearing on  
4 June 1, 2009. Additional time is needed for the defendant to complete her cooperation with the  
5 government. Specifically, charges have now been filed against David Nosal. That case is  
6 numbered CR 08-0237 MHP. Nosal is due to file pretrial dispositive motions in January 2009;  
7 his trial date has not yet been set. When the Nosal matter does proceed to trial, the defendant  
8 Froehlich-L'Heureaux is expected to testify in that matter. Because Ms. Froehlich-L'Heureaux  
9 will be required to testify at trial, her cooperation with the government's investigation is not yet  
10 complete.

11 For all of these reasons, the parties jointly request that this Court vacate the sentencing  
12 hearing presently set for February 9, 2009, and set a sentencing hearing for June 1, 2009, at 9:00  
13 a.m. In addition, the parties jointly request that the due dates for the presentence report be  
14 calculated using the new sentencing date.

15 SO STIPULATED.

16  
17 Dated: January 9, 2009

SCOTT N. SCHOOLS  
Acting United States Attorney

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19  
20 /s/  
KYLE F. WALDINGER  
Assistant United States Attorney

21  
22 SO STIPULATED.

23 Dated: January 9, 2009

/s/  
LELAND B. ALTSCHULER  
Attorney for defendant Froehlich-L'Heureaux

**[PROPOSED] ORDER**

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for February 9, 2009, be continued to June 1, 2009, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 13th day January, 2009

